REMARKS

None of the claims have been amended or cancelled. Claims 1, 7, 8, 22-25, 27-31, and 33-35 are pending and under consideration. Claims 1, 31, 33 and 34 are the independent claims. No new matter is presented in this Amendment.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 1, 7-8, 22-25, 27-28, 31, and 33-35 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ueda et al. (U.S. PgPub 2001/0007545) and in view of Seishaku, Japanese Patent Publication (2000-195192).

Applicants respectfully traverse this rejection for at least the following reason.

Regarding the rejection of independent claim 1, it is noted that claim 1 recites a read-only optical information storage medium comprising a burst cutting area having a bar code, a lead-in area, a data area, and a lead-out area, in which data is recorded in a form of pits, wherein a pattern comprising a sequence of the pits is repeated in an area of the burst cutting area and the pattern comprising the sequence of pits is other than the bar code.

The Office Action relies on Ueda for a teaching of a read-only optical information storage medium comprising a burst cutting area (BCA) having a bar code, a lead-in area, and a user data area.

The Office Action recognizes that Ueda does not disclose that the BCA has an area in which a pattern comprising a sequence of pits is repeatedly recorded and the sequence of pits is other than the bar code.

Therefore, the Office Action relies on Seishaku for such teachings, and in particular in paragraphs [0005] and [0011].

However, Applicants respectfully assert that Seishaku fails to teach or suggest such novel features of independent claim 1, and thus fails to cure the deficiencies of Ueda.

Seishaku discloses recording synchronous cutting tool information and repetitive synchronous cutting tool information on a BCA. Seishaku also discloses that the synchronous cutting tool information indicates a starting point of the BCA, and when a defect is found in the synchronous cutting tool information and the start location of the BCA cannot be detected,

Seishaku discloses using the repetitive synchronous cutting tool information for detecting the information in the BCA (paragraphs [0003] and [0004]). That is, Seishaku simply discloses two types of information recorded in the BCA.

Furthermore, it is noted that Seishaku only discloses a BCA having a bar code recorded thereon (see FIG. 2 of Seishaku and DVD Specification for Optical Disc enclosed herewith). Accordingly, Seishaku simply discloses a bar code recorded in the BCA.

Therefore, although Seishaku discloses a pattern, such as a bar code, recorded in the BCA area, Seishaku fails to teach or suggest that this pattern comprises a sequence of pits other than that of the bar code.

As a matter of fact none of the figures of Seishaku illustrate a pit pattern or a sequence of pits at all. Seishaku simply discloses a bar code (see description of FIG. 2).

Accordingly, Applicants respectfully note that the reasoning of the Examiner appears to be incomplete since no explanation is provided as to what relationship exists between the two types of information recorded in the BCA or the bar code and a pattern comprising a sequence of pits repeated in an area of the burst cutting area, wherein the pattern comprising the sequence of pits is other than the bar code.

The failure to provide such an explanation, coupled with the fact that Seishaku does not, in fact, illustrate a pattern comprising a sequence of pits, leaves one with the conclusion that Seishaku does not disclose the claimed features of the independent claim and thus fails to cure the deficiencies of Ueda.

Accordingly, Applicants respectfully assert that the rejection of independent claim 1 under 35 U.S.C. §103(a) should be withdrawn because neither Ueda nor Sheishaku, whether taken singly or combined, teach or suggest each feature of independent claim 1.

Regarding the rejection of independent claims 31, 33 and 34, it is noted that these claims recite some substantially similar features as independent claim 1. Thus, the rejection of claims 31, 33 and 34 is also traversed for the reasons set forth above.

Regarding the rejection of dependent claims 7, 8, 22-25, 27, 28 and 35, Applicants respectfully assert that these claims are allowable at least because of their dependency from claims 1 and 33, and because they include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 7, 8, 22-25, 27, 28 and 35 also

distinguish over the prior art.

Claims 29-30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ueda et al. (U.S. PgPub 2001/0007545) and Seishaku, Japanese Patent Publication (2000-195192), as applied to claims 1, 7-8, 22-25, 27-28, 31, and 33-35 above, and further in view of Kondo (U.S. PgPub 2003/0053404).

Applicants respectfully traverse this rejection for at least the following reason.

Initially, it is noted that claims 29 and 30 depend from independent claim 1 and as noted above, neither Ueda nor Seishaku, whether taken singly or combined, teach or suggest the novel features recited in independent claim 1.

Kondo discloses an information recording medium including a substrate having a pattern of serial groove portions and land portions alternately formed in parallel, a recording layer formed on the pattern of the substrate, and a transparent layer formed on the recording layer (paragraph [0018]). Kondo further discloses that the groove portions and the land portions form the recording tracks of the information recording medium (paragraphs [0046] - [0048]).

Kondo however, fails to teach or suggest that the pattern is repeated in an area of the bust cutting area and that the pattern comprising the sequence of pits is other than the bar code.

Furthermore, unlike the claimed invention, Kondo fails to disclose a BCA altogether. Accordingly, Kondo fails to cure the deficiencies of Ueda and Seishaku.

Therefore, Applicants respectfully assert that the rejection of claims 29 and 30 under 35 U.S.C. §103(a) should be withdrawn because neither Ueda, Sheishaku nor Kondo, whether taken singly or combined, teach or suggest each feature of independent claim 1 from which claims 29 and 30 depend, and because claims 29 and 30 also include additional features which are not taught or suggested by the prior art.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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